

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 827 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

NATWARLAL PITAMBARDAS PATEL

Versus

REGISTRAR OF CO-OPERATIVE SOCIETIES

Appearance:

MR GR UDHWANI for Petitioner

MR ND GOHIL for Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 18/10/96

ORAL JUDGMENT

Heard learned counsel for the parties. Challenge is made by the petitioner by this Special Civil Application to the order dated 7th February 1987 passed by the respondent in purported exercise of powers under Rule 32(1)(c) of the Gujarat Cooperative Societies Rules, 1965 (hereinafter referred to as the 'Rules').

2. The petitioner was co-opted as a Director on the

Board of Directors of the Gujarat State Cooperative Oil Industries Ltd. by a unanimous resolution passed by the Board of Directors of the Gujarat State Cooperative Oil Industries Ltd. on 14th May 1984. The petitioner was served with a show cause notice dated 1st December 1986 whereby he was called upon to show cause as to why he should not be removed as a Director under Rule 32(1)(a) of the Rules. The petitioner submitted a reply to the show cause notice. But the respondent herein under the impugned order dated 7th February 1987 ordered removal of the petitioner from the office of the Director on the Board of Directors of the said cooperative society.

3. In this Special Civil Application, notice was issued on 6.3.87 and interim stay in terms of para-11(B) pending admission was issued. Para-11(B) of the Special Civil Application reads as under:

"Pending admission and final hearing of this petition, an interim stay staying the operation of the impugned order annex-A dated 7.2.1987 passed by respondent, may kindly be granted and a direction directing to treat the petitioner as Director for all purposes may kindly be granted."

4. Thus, the operation of the impugned order dated 7.2.87 has been stayed by this Court. The petitioner, in pursuance of the stay order of this Court, would have completed his tenure in the office of the Director on the Board of Directors of the society. The learned counsel for the petitioner admits that election of the petitioner was for a fixed term and it would have come to an end long back. Possibly, further election of the Director on the Board of Directors of the said society would have been held afterwards. Taking into consideration the totality of the facts of the case, by passing of time, this writ petition has, in fact, become infructuous. Order accordingly. This Special Civil Application is dismissed as having become infructuous. Rule discharged. Ad-interim relief, granted by this Court stands vacated. No order as to costs.

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(sunil)